



FLORIDA DEPARTMENT OF Environmental Protection

South District
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SouthDistrict@FloridaDEP.gov

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Interim Secretary

August 15, 2022

Mr. Stephen P. McAlearney
Port and Marine Services Director
City of Key West
201 William St
Key West, FL 33040
smcalearney@cityofkeywest-fl.gov

Re: Monroe County - ERP
BOT No. 440360555
Site No. 406657 / Project No. 398121
Key West Bight – Class III Waters
City of Key West - Bar Pilot Vessel Mooring Area
Parcel No. 0072082-002800 - 700 Front Street, Key West, 33041

Dear Mr. McAlearney:

The Temporary Use Agreement entered on August 18, 2021 between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (Board of Trustees) and the City of Key West (City) expires on August 18, 2022. To ensure that the City's use of state-owned submerged lands at the above-referenced site has the required Board of Trustees authorization pursuant to Section 253.77, Florida Statutes, the Department of Environmental Protection recommends that the City enter into another Temporary Use Agreement Addendum.

Enclosed is a Temporary Use Agreement Addendum to provide the City with continued temporary authorization for the existing structures and activities on state-owned submerged lands at the above-referenced site.

Please have the appropriate entity sign the Temporary Use Agreement Addendum and return the signed page to this office within twenty (20) calendar days of receipt. A PDF of the signed page 1 can be emailed to FTMERP_Compliance@Floridadep.gov or to Mark Miller of this office at Mark.Miller@floridadep.gov. Please leave the date on the first page blank. After the Temporary Use Agreement Addendum has been executed by the Department, a copy will be returned to you for your records.

If you have any questions regarding this matter, please contact Mark Miller by phone at (239) 344-5669, or by e-mail at Mark.Miller@floridadep.gov.

Thank you for your continued patience and cooperation in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jennifer L. Carpenter". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

For Jennifer L. Carpenter
Acting Director of District Management
South District Office

JLC/ mrm

Enclosure: Temporary Use Agreement Addendum for Signatures

cc: Baron W. Smith, Esq., Smith/Hawks Attorneys at Law, bart@smithhawks.com

TEMPORARY USE AGREEMENT ADDENDUM
BOT # 440360555

This Temporary Use Agreement Addendum (hereinafter referred to as "Addendum") is entered into this _____ day of _____, 2022, and between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (hereinafter referred to as the "Board") and the City of Key West, a Florida Municipal Corporation, (hereinafter referred to as the "Applicant"), and is hereby made a part of the Temporary Use Agreement previously entered on August 18, 2021 by and between the Board and the Applicant.

Whereas, the Temporary Use Agreement expires on August 18, 2022, and the Applicant needs additional time to complete the application for a sovereignty, submerged lands lease for the structures and activities shown on Exhibit A attached hereto.

The parties hereto, then, agree as follows:

1. The parties hereby agree to extend and continue the Temporary Use Agreement for an additional **6-month** term, commencing on August 18, 2022, and expiring on February 18, 2023, or the date of execution of a sovereignty submerged lands lease between the Board and the Applicant, whichever occurs first.
2. Except as specifically amended by the provisions of this Addendum, all of the terms and provisions of the Temporary Use Agreement shall remain unchanged and in full force and effect and the same are hereby ratified, approved and confirmed by the parties hereto.
3. The terms and conditions of this Addendum shall be binding upon and inure to the benefit of the parties hereto and their representatives, heirs, personal representatives, successors and assigns.

Executed on the date first written above.

CITY OF KEY WEST

By: _____
Original Signature

Printed/Typed Name

Title

BOARD OF TRUSTEES OF THE
INTERNAL IMPROVEMENT TRUST
FUND OF THE STATE OF FLORIDA

By: _____

Jennifer L. Carpenter
Acting Director of District Management,
Department of Environmental Protection, as
agent for and on behalf of the Board of
Trustees of the Internal Improvement Trust
Fund of the State of Florida



Authorized Vessel Mooring Area in Yellow Polygon

BOT No. 440360555

Site No. 406657 / Project No. 398121

Exhibit A